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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,386	06/09/2006	Ken Yamashita	2006-0911A	2821

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Washington, DC 20005-1503

EXAMINER
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ZAHR, ASHRAF A

ART UNIT	PAPER NUMBER
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2175

NOTIFICATION DATE	DELIVERY MODE
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06/24/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com  
coa@wenderoth.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,386	<b>Applicant(s)</b> YAMASHITA ET AL.	
	<b>Examiner</b> ASHRAF ZAHR	<b>Art Unit</b> 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 4/5/2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is a final rejection for application 10/582386. Claims 19-22 are pending in this application.

### ***Response to Arguments***

2. Applicant argues, "Amended independent claim 19 recites an apparatus for controlling a screen resource that is required to display a screen on a display. Further, claim 19 recites that the apparatus includes an instruction section that receives an instruction to switch a screen currently displayed on the display to another screen. Claim 19 also recites that the apparatus includes a screen control section that determines whether or not to discard the screen resource of the currently displayed screen when the currently displayed screen is switched to the another screen. Finally, claim 19 recites that, when (i) it is determined that the currently displayed screen is completely hidden by the another screen, and (ii) an attribute of the currently displayed screen indicates that the currently displayed screen is in a resident state indicating that the screen resource of the currently displayed screen is to invariably remain in a generated state, the screen control section displays the another screen on the display without discarding the screen resource of the currently displayed screen. O'Neil fails to disclose or suggest the above-mentioned distinguishing features, as recited in amended independent claim 19".

However, O'Neal discloses switching from a currently displayed screen to another displayed screen, specifically, a new image is meant to be displayed on

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the computer (col 7, ln 50-55). Secondly O'Neal determines when a screen is completely covered, specifically, a window background area is completely covered, i.e. the area that has a new image over it is completely covered (col 5, ln 53-55). Finally, O'Neal maintains the image is cached and the maintained in the cache (col 10, ln 49-55). Based on the quality rating and whether it is completely covered (col 5, ln 53-55). Therefore, the examiner respectfully disagrees with the applicant.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Neill et al, US 7,012,612 (Hereinafter, O'Neill).

**Regarding Claim 19**, O'Neill discloses “a display screen management apparatus for controlling a screen resource that is required to display a screen on a display, the display screen management apparatus comprising: a processor” (col 4, ln 12-22).

O'Neill also discloses "an instruction section receiving an instruction to switch a screen currently displayed on the display to another screen". Specifically, a new image is meant to be displayed on the computer (col 7, ln 50-55)

O'Neill also discloses "and a screen control section for determining whether or not to discard the screen resource of the currently displayed screen when the currently displayed screen is switched to another screen, when (i) it is determined that the currently displayed screen is completely hidden by another screen". Specifically, a window background area is completely covered, i.e. the area that has a new image over it is completely covered (col 5, ln 53-55).

O'Neill also discloses "and (ii) an attribute of the currently displayed screen indicates that the currently displayed screen is in a resident state indicating that the screen resource of the currently displayed screen is to invariably remain in a generated state". Specifically, the quality rating (col 10, ln 40-50).

O'Neill also discloses "the screen control section displays, using the processor, the another screen on the display without discarding the screen resource of the currently displayed screen". Specifically, the image is cached and the maintained in the cache (col 10, ln 49-55).

**Regarding Claim 20**, O'Neill also discloses "the display screen management apparatus according to claim 19, wherein, when the attribute of the currently displayed screen does not indicates that the currently displayed screen

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is in the resident state, and when a display time, from when the another screen is displayed on the display to when the another screen is in to a non-displayed state, is shorter than a predetermined time, the screen control section does not discard the screen resource of the currently displayed screen". Specifically, the quality rating is based on number of times the image is displayed and when it was last used (col 10, ln 44-50).

**Regarding Claim 21**, O'Neill also discloses "the display screen management apparatus according to claim 19, wherein, when it is determined that the currently displayed screen is completely hidden by the another screen and when it is determined that by causing at least a portion of the another screen to be transparent, the currently displayed screen is not hidden by the another screen, the screen control section displays the another screen on the display without discarding the screen resource of the currently displayed screen". Specifically, the image would still be visible and thus not discarded in this invention (col 5, ln 53-55).

**Regarding Claim 22**, this claim is substantially similar to claim 19 and is therefore rejected based upon the same reasoning used to reject claim 19.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

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See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHRAF ZAHR whose telephone number is (571)270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ 6/11/10

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175